

AMENDED IN SENATE MAY 16, 2006

AMENDED IN SENATE APRIL 20, 2006

SENATE BILL

No. 1798

Introduced by Senator Perata

February 24, 2006

An act to amend Section 21061.3 of, *and to add Section 21073 to*, the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1798, as amended, Perata. California Environmental Quality Act: infill development.

The existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also generally requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

Existing law exempts from CEQA a residential project on an infill site that meets specified criteria and defines the term "infill site" for this purpose as a site in an urban area that meets specified criteria, including that *the site has not been developed for urban uses and* the immediately adjacent parcels are developed with qualified urban uses, *as defined*, or a specified percentage of parcels adjacent to the perimeter area are developed, as specified, and among other

conditions, that no parcel within the site has been created within the past 10 years.

This bill would revise the definition of “infill site” to exclude, from the condition regarding the creation of a parcel *within the past 10 years*, the merger of parcels by a redevelopment agency. *The bill would also define the term “urban use” for purposes of this exemption.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21061.3 of the Public Resources Code
2 is amended to read:

3 21061.3. “Infill site” means a site in an urbanized area that
4 meets either of the following criteria:

5 ~~(a) (1) The site has not been developed for qualified urban~~

6 *(a) The site has not been developed for urban uses and no*
7 *parcel within the site has been created within the past 10 years,*
8 *unless the parcel was created as a result of the merger of*
9 *previously existing parcels to implement the plan of a*
10 *redemption agency, and one of the following apply to the*
11 *parcels adjacent to the site:*

12 ~~(A)~~

13 *(1) The immediately adjacent parcels are developed with*
14 *qualified urban uses.*

15 ~~(B)~~

16 *(2) At least 75 percent of the perimeter of the site adjoins*
17 *parcels that are developed with qualified urban uses and the*
18 *remaining 25 percent of the site adjoins parcels that have*
19 *previously been developed for qualified urban uses.*

20 *(b) The site has been previously developed for qualified urban*
21 *uses.*

22 SEC. 2. Section 21073 is added to the Public Resources
23 Code, to read:

24 21073. “Urban use” means a facility or use that is not a
25 qualified urban use, or any combination of uses that includes a
26 facility or a use that is not a qualified urban use.

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